G R S App I IX 4]

Previous References

194 2 -

(HL

File No 155-42

Serial Nos 8, 9, 1

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Dec 42.

SUBJECT

Disqualification of municipal councillors who take part in political subversive activities

To, The D C of Ramna
The [illegible] of Mymensingh
L 5230-1 dt 28/11/42
Directs that the proposal does not at present commend itself to Govt

Nil 2.1.43

25-94
1

General and Revenue Secretariat | ML File No 155 of 1942 | [App F III—2

Serial No

Letter no A3.C.15-64-118/62-63 d 21-10-62 from the Dy Comrs, Kadur Dist. requesting in the circumstances stated to provide for the disqualification of members of municipal councils who take part in subversive activities in the existing municipal law

The Dy Comr Kadur Dist has reported that Mata Basappa a detention warrant has been issued against M V T C Basappa a member of the Tarikere Town M C and that had not been executed yet as he has left the dist and is evading the service of the order

With a view to remove persons that take part in the political subversive activities from municipal councils the D C has suggested that necessary provision may be made in the Municipal Law for the disqualification of such persons

Submitted for perusal and orders.

Hon — 4 — A similar proposal has been made by the D C Mandya 27/10/42 which has been rejected by Govt. If it is proposed to enact legislation in this matter

NOTE—Cover Sheet

WD 04455—GPB—55 000—23 10 41

Serial No

Letter no AS 820/62-63 d 22-10-62 from the Deputy Commissioner, Mandya DIST requesting in the circumstances stated to amend the Municipal Law so as to disqualify the Municipal Councillors who take part in political subversive activities in the State from continuing as such

The letter received from the D C Mandya DIST is put up as directed

Under Section 12 (d) of the Mysore Town Municipalities Act 1951 a member of the Municipal Council who absents himself from the meetings of the Municipal Council during four successive months will cease to be a member thereof If a Municipal Councillor is detained under the defence of India Rules, he would be unable to attend the meetings of the Mun Cl and after the expiry four months would lose his seat in the Mun Cl (if his inability to attend the meetings of the Mun Cl continues for a period of four months)

The proposals of the Dy Comrs of Kadur and Mandya DISTS are that defaulter

Disqualification of Municipal Councillors who take part in political subversive activities

25-94/2632

General and Revenue Secretariat | M/L File No 155 of 1942 | [App F III—2

Serial No

provision may be made in the Municipal Law to disqualify members who take part in the political subversive activities, from continuing as members of the municipal councils

[The file containing discussions in connection with the detention of certain councillors the President, Bangalore City Municipal Council is linked hereto for ready reference]

Hm 31/10/42

31/10/42 Two points have been raised for orders in this file viz

1) whether the seat of a member of a municipal council who is detained in a jail under the defence of India Rules is thus prevented from attending the Municipal meetings may be treated being absent from the meetings & that the place treated as vacant & steps taken to fill it up

2) whether the existing Municipal Law may be amended so as to disable a municipal councillor who takes part in subversive political activities from continuing as a member of such Municipal Council

In regard to point no 1 there is no disability caused by mere detention If however the absence

NOTE—Contn Sheet

WD 04155—GPB—55 000—23.10.41

Serial No

a member (2)
from the meetings of a Municipal Council vide cl (d)
for more months without the leave of the of sec 12 of the
Council or six successive months FM Act
with the leave of the Council then such
member acquires a disability from continuing
as a member of the Municipal Council
~~In such case~~ No Action Can be taken in
the case of any person coming within
the purview of the above clause as the seat
would be rendered automatically vacant
under the Law Since such requests are being
received from Several Dists general instructions
as above will be issued if approved

10 The question of amending the Municipal
Law so as to disable Municipal Councillors from
who take part in subversive activities from continuing
as such requires examination on the light of the
practice if any prevailing in this behalf in the
British Indian Provinces whether Specific
provision should be made in the Law and whether
it should be done now or for consideration hereafter

Law Secy Law
31 x 42

SECY LAW DEPT 4645 12 GOVT OF MYSORE

1) Records please send
up in person

11) Ans
2/11/42

12) Land in from
Law
SECY LAW DEPT 4/11/42 6805 GOVT OF MYSORE

13) Resubmitted as per order
Law Secy
5/11/42

Disqualification of Municipal councillors who take part in Political subversive activities

5

General and Revenue Secretariat | File No 2632/2 of 194 | [App F III—2

Serial No

14) The suggestion made by the D.C. to amend the Municipal Act so that a person who takes part in subversive political activities may be disqualified, may not be advisable to be acted upon at present.

Cus
7-11-42
for Miller

OFFICE OF THE MINISTER FOR L.S.G. & P.H. Date 10.11.42 No 3650

Mun. Br. 2-S.G.

I may be done

S.G.
16.11.42

Cus
17-11-42

It will not be safe to give general instructions to the D.C.'s in the matter having regard to the nature of the offence that are being made by the D.C.'s to the Govt. Each case will have to be dealt with on merits. If necessary then attention may be merely drawn to the instructions

Cus
17-11-42
for 17/11

OFFICE OF THE MINISTER FOR L.S.G. & P.H. Date 17.11.42 No 3956

Mun. Br. 2-S.G.

S.G.

Cus
17/11

NOTE—Contn Sheet

WD 04155—GPB—55 000— 3 10 41

Disqualification of Municipal Councillors who take part in political subversive activities

MC File No 15 5- 2632 of 194 2

General and Revenue Secretariat

Serial No

Submitted with two draft letters, one to the D.C. Mandya bsh and the other to the D.C. Kadur bsh

Kmw 27/11/42 M 23/11

Approved

Law Secy 27/11/42

SECY LAW DEPT 5340 GOVT OF MYSORE

NO II is approved

MS 24-11-42

Secy to GOI Whip up

27/11/42

Draft no II received

Necessary indications (for the guidance of the Typing Section) have been incorporated in draft II as instructed by the Hon'ble Secy in person

For orders of the appd draft may issue now

Kmw 27-11-42

Secy 27/11/42

To

The by Courier of

(1) Kadur

(2) Mandya bsh

No L5-430-1 d 28-11-42

directs that the proposal does not at present commend itself to Govt

B

C F No 45]

Mil 155-42-8

2594/L

GOVERNMENT OF MYSORE

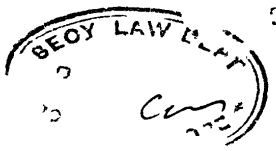
Tele gram / phone

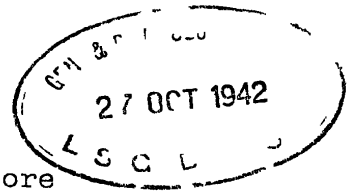
OFFICE OF
The Deputy Commissioner,
Kadur District,
Chikmagalur,
Date 21st October 1942

No A3 C-1564-118 of 1942-43
Encls

To

The SECRETARY
to the Government of Mysore,
Law Department, Bangalore





Sir

I have the honour to state that a detention warrant was issued regarding Mr T C Basappa, B A , who is a member of the Town Municipal Council, Tarikere, under Rule 26 of the Defence of India Rules It has not been executed yet as he has left the District and is evading the service of the order It is not desirable to have the members taking part in subversive activities in the Municipal Councils At present, there seems to be no specific provision in the Municipal Act to remove such Councillors Apart from the general disqualifications and disabilities from being a Councillor, under sections 9 and 12 of the Minor and Town Municipalities Act respectively, I think, some specific provision to remove such ~~of the~~ Councillors from their offices is necessary I therefore request that a suitable amendement to the existing Municipal Law in the matter may be kindly caused to be issued

I have the honour to be,
Sir,
Your most obedient servant,

Assistant Commissioner
for DEPUTY COMMISSIONER,
KADUR DISTRICT

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 28 11 42

Signed by Mys. GVKRao

List of enclosures

Copied by

Examined by

II

Section mc

File No 155-42

Serial No 14

No L 5430-1

To

The Deputy Comr

(1) Kadur Distt

Sir,

(2) Mahazar of (Mandya Taluk)

With refce to your letter No (1) A 3 C 15-64-118 of 1942-43 (2) AS-820/42-43 dt 22-10-42 dt 21-10-42 requesting in the circumstances stated, the amendment of the Municipal Law so as to disqualify the Municipal Councillors who take part in political subversive activities in the State from continuing as such, I am directed to state that the proposal in question does not at present commend itself to Govt

I have El.

for Secy to Govt

Law Dept

WD 04161—GPB—60 000— 24 10 41

mc 155-42-9

OFFICE OF THE DEPUTY COMMISSIONER,
MANDYA DISTRICT

No As 820/42 43
Encls

Mandya, Dated 22nd October *1942*

2632/L

FROM

Mir Safdar Hussain, Esq , B A ,
DEPUTY COMMISSIONER,
Mandya District, Mandya

To

C Narayanaswami Naidu, Esq , B A , B L ,
Secretary to the Government of Mysore, Law Department,
Bangalore

SIR,

I have the honour to state that a member of the Mandya Town Municipal Council, has been ordered to be detained under the Defence of India Rules and as such he is unable to attend the Municipal Council meetings A doubt has arisen whether the vacancy in the Municipal Council on account of his detention is to be considered as a vacancy and action taken to fill it up There is no clear provision in the Town Municipalities Act to disqualify such a member from being a councillor But according to Section 14 of the Town and Section 10(viii) of the Minor Municipalities Act, Government, if it thinks fit, on a recommendation of the Municipal Council, may remove any councillor after giving him an opportunity of being heard, if such councillor has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a councillor But in view of the recent political subversive activities in the State, I am of opinion, that a suitable amendment to the existing Municipal Law for disqualifying a Municipal Councillor to continue as such, who takes part in subversive activities, seems to be very necessary I request instructions of Government whether to treat the absence of the member from the Municipal Council under detention as a vacancy and steps taken to fill it up

I have the honour to be,
Sir,
Your most obedient servant,

Mir Safdar Hussain
Deputy Commissioner,
Mandya District